FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE.

CRIMINAL APPLICATION NO. 6829 OF 2005

Office Notes, Office Memorada orders or directions and Registrar's orders.	Court's or Judge's Orders.
	Shri D.R.More APP for appellant. Shri Vikas Mali for Respdt. 1 to 4.

CORAM; V.G.PALSHIKAR Acg.C.J.&
SMT.NISHITA MHATRE,J.

DTAED: 21ST AUGUST, 2006.

P.C.

1. This application for leave to appeal against the order of acquittal in Sessions Case No. 144 of 1997 is preferred by the State, contending that the acquittal is unsustainable in law.

2. We have perused the record and the impugned judgment. In paras 20 and 21 the learned trial Judge has considered the evidence of doctor and accepting that evidence he has come to the

conclusion that the prosecution has failed to prove the charge of murder. The learned trial Judge has considered the evidence on record and has come to the conclusion that the accused are liable to be acquitted. Even if it is possible that on the same set of evidence, conclusion of guilt can be arrived at, the position in law is settled accoridng to which, in such circumstances, no interference is called for. Hence application is dismissed.

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